

71-53
C O P Y

State of New Hampshire
OFFICE OF ATTORNEY-GENERAL

December 16, 1953

George F. Nelson, Esq.,
Assistant Attorney General

Attorney General

Inquiry of December 14, 1953, relating
to employee age 70 who is sick

Ray V. Lang,
Director of Personnel

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CONCORD, N.H.

Dear Mr. Lang:

Your inquiry does not state whether the employee mentioned has requested an extension of service. In reply to your inquiry I presume that he or she has not so requested and was not prevented from so doing by his or her present illness.

It has become well established by prior opinions that, notwithstanding the provisions of chapter 183, Laws of 1953, those in state service subject to the provisions of the Act should look ahead to place themselves in a position to retire from state service at age seventy.

Rule VI, section 4 (c) of your division provides that upon the resignation or dismissal of any classified state employee, "the number of days of sick leave remaining to his credit shall lapse".

Rule VI, section 3 (c), provides that upon the resignation or dismissal of any classified state employee "he shall receive a sum equal to the number of days of annual leave remaining to his credit . . ."

In accordance with the rules of the extension of employment committee set forth in your communication of June 23, 1953, relating to extensions of employment beyond age seventy, this employee "shall be retired forthwith or on the first day of the next calendar month".

Upon the date of this employee's retirement, which is in effect an enforced resignation by operation of law, Rule VI, section 4 (c) and Rule VI, section 3 (c) referred to above, govern the situation.

Very truly yours,

George F. Nelson
Assistant Attorney General

GFM:HP